

**In the United States Court of Federal Claims**

No. 05-1043C

(Filed October 23, 2014)

NOT FOR PUBLICATION

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**JORGE A. DELPIN APONTE, et al.,** \*

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Plaintiffs, \*

\*

v. \*

\*

**THE UNITED STATES,** \*

\*

Defendant. \*

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\* \* \* \* \*

**ORDER**

On September 22, 2014, the plaintiffs filed a motion to amend their notice of appeal filed the previous day, ostensibly to add an additional party to the list of appellants. It appears to the Court that this motion may be unnecessary, for at least three reasons. First, since the plaintiffs' timely-filed motions under Rules 59 and 60 of the Rules of the United States Court of Federal Claims were denied on July 23, 2014, the deadline for filing the notice of appeal was September 22 --- the date the corrected appellant list was filed. Second, Rule 3(c) of the Federal Rules of Appellate Procedure provides that "[i]n a class action, whether or not the class has been certified, the notice of appeal is sufficient if it names one person qualified to bring the appeal as representative of the class." Third, and perhaps most significantly, it seems that the plaintiff added to the list as appellant number 126, Jorge Rosario, already appears as number 49 on the list (Jorge L. Rosario Oliveras).

Perhaps for these reasons, the government has not filed any opposition to the motion. Action by the Court may be unnecessary under these circumstances. But granting the motion would at least underscore the right of the plaintiffs to determine, before the deadline for filing the notice of appeal has passed, the list of those among their number who choose to appeal --- even if that document contains errors or redundancies. Accordingly, the motion to amend the notice of appeal is **GRANTED**.

**IT IS SO ORDERED.**

s/ Victor J. Wolski

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**VICTOR J. WOLSKI**

Judge